

11-12-04

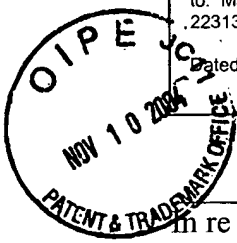
3 DAE
IFW

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV336621543US, in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: November 10, 2004 Signature:

[Signature]
(Tia B. Zimmerman)

Docket No.: 282172002900
(PATENT)



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Thomas W. DUBENSKY, Jr. et al.

Application No.: 10/773,792

Confirmation No.: 8458

Filed: February 6, 2004

Art Unit: 1616

For: LISTERIA ATTENUATED FOR ENTRY INTO
NON-PHAGOCYTIC CELLS, VACCINES
COMPRISING THE LISTERIA, AND
METHODS OF USE THEREOF

Examiner: Not Yet Assigned

PETITION UNDER 37 C.F.R. § 1.182

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants hereby petition for correction of the name of one of the inventors in the above-referenced application.

On July 14, 2004, Applicants filed a response to the Notice to File Missing Parts of Nonprovisional Application mailed May 14, 2004, for the above-referenced application. Applicants' response included a fully-executed Declaration, but the middle initial of one of the inventors, David Cook, was inadvertently left off the Declaration. The full name of the inventor listed on the filed Declaration as "David Cook" is "David N. Cook." Applicants request that the name of inventor David Cook in the above-referenced application now be corrected to reflect his full name, **David N. Cook**.

11/15/2004 HALI11 00000007 031952 10773792

01 FC:1460 130.00 DA

pa-934263

The full names of the remaining inventors in the above-referenced application were correctly identified on the Declaration as filed. The correct full names of all of the inventors in the above-referenced application are provided in the Supplemental Application Data Sheet enclosed herewith.

Applicants additionally request that all pertinent U.S. Patent and Trademark Office records relating to the subject application be changed to reflect this correction.

As indicated on the fee transmittal letter enclosed herewith, Applicants authorize the Commissioner to charge the petition fee of \$130.00 as set forth in 37 C.F.R. §1.17(h). In the event that the fee transmittal letter is separated from this document and/or the U.S. Patent and Trademark Office determines that additional fees are required, Applicants authorize the Commissioner to charge any fees under 37 C.F.R. §1.17 due in connection with the filing of this document to **Deposit Account No. 03-1952** referencing docket no. 282172002900.

Dated: November 10, 2004

Respectfully submitted,

By


Alicia J. Hager

Registration No.: 44,140

MORRISON & FOERSTER LLP
755 Page Mill Road
Palo Alto, California 94304
(650) 813-4296



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2005

Effective 10/01/2004. Patent fees are subject to annual revision.

☒ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 130.00

Complete if Known

Application Number	10/773,792
Filing Date	February 6, 2004
First Named Inventor	Thomas W. DUBENSKY, Jr.
Examiner Name	Not Yet Assigned
Art Unit	1616
Attorney Docket No.	282172002900

METHOD OF PAYMENT (check all that apply)

☐ Check ☐ Credit Card ☐ Money Order ☐ Other ☐ None

☒ Deposit Account:

Deposit Account Number 03-1952

Deposit Account Name Morrison & Foerster LLP

The Director is authorized to: (check all that apply)

☒ Charge fee(s) indicated below ☒ Credit any overpayments

☒ Charge any additional fee(s) or any underpayment of fee(s)

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	790	2001	395	Utility filing fee	
1002	350	2002	175	Design filing fee	
1003	550	2003	275	Plant filing fee	
1004	790	2004	395	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

		Extra Claims	Fee from below		Fee Paid
Total Claims	60	-60** =	0	x 9.00	= 0.00
Independent Claims	7	-7* =	0	x 44.00	= 0.00
Multiple Dependent				150.00	= 0.00

Large Entity		Small Entity		Fee Description
Fee Code	Fee (\$)	Fee Code	Fee (\$)	
1202	18	2202	9	Claims in excess of 20
1201	88	2201	44	Independent claims in excess of 3
1203	300	2203	150	Multiple dependent claim, if not paid
1204	88	2204	44	** Reissue independent claims over original patent
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$) 0.00

**or number previously paid, if greater; For Reissues, see above

FEE CALCULATION (continued)

3. ADDITIONAL FEES

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for ex parte reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	430	2252	215	Extension for reply within second month	
1253	980	2253	490	Extension for reply within third month	
1254	1,530	2254	765	Extension for reply within fourth month	
1255	2,080	2255	1,040	Extension for reply within fifth month	
1401	340	2401	170	Notice of Appeal	
1402	340	2402	170	Filing a brief in support of an appeal	
1403	300	2403	150	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,330	2453	665	Petition to revive - unintentional	
1501	1,370	2501	685	Utility issue fee (or reissue)	
1502	490	2502	245	Design issue fee	
1503	660	2503	330	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	130.00
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	790	2809	395	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	790	2810	395	For each additional invention to be examined (37CFR 1.129(b))	
1801	790	2801	395	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	

Other fee (specify)

*Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 130.00

SUBMITTED BY

(Complete if applicable)

Name (Print/Type)	Alicia J. Hager	Registration No. (Attorney/Agent)	44,140	Telephone	(650) 813-4296
Signature		Date	November 10, 2004		